

Judicial Resource Recommendations

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**Michigan Supreme Court
State Court Administrative Office
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I. INTRODUCTION

The State Court Administrative Office (SCAO) has completed its biennial review of the judicial resource needs of trial courts. The Judiciary is responsible for making recommendations to the Legislature regarding changes in the number of judges (Mich. Const. Art. 6, Sec. 11).

The following recommendations are based on a weighted statistical analysis of the caseload of trial courts, followed by an analysis of additional factors affecting the workload of trial courts, such as the types of cases processed, demographic trends, availability of quasi-judicial and non-judicial court staff, and availability of other resources. Additional courts may be reviewed based on the request of the chief judge of a court, the existence of pending legislation regarding judgeships, or as a result of recommendations from prior workload studies.

II. METHODOLOGY

The estimation of judicial workload and a community's need for judges is a complex and multi-dimensional process. Most states, including Michigan, consider both quantitative and qualitative factors in determining the need for judgeships.

The method for preliminary statistical identification of the need for a change in the number of judgeships was a weighted caseload formula applied to the aggregate new case filings for 1998, 1999 and 2000. Weighted caseload is an approach which attributes a "weight" to different case types to account for varying degrees of judicial effort required for distinct case types. That weight, when applied to new case filings, yields an estimate of the judicial time required to process a caseload. The total judicial time required to process the caseload is then divided by a factor that represents the amount of time available in a judicial year to arrive at the approximate number of judgeships required to process that caseload.

Because the weighted caseload provides a means for distinguishing the varying degrees of effort involved in handling different case types, it provides a significant advantage over the use of un-weighted total case filings. The proportions of different caseload types may vary significantly from court type to court type,¹ and from court to court.² Weighting the cases allows a more precise means of estimating judicial workload when such caseload variations exist.

¹ For example, a significant portion of district court caseload consists of traffic cases, making the total number of cases processed in district courts significantly higher than either circuit or probate courts.

² For example, one court may be in a community where few highways exist, leading to relatively fewer traffic cases. While that court may have substantially fewer traffic cases, it may have a higher proportion of civil cases, or misdemeanor cases, which typically require more judicial time than traffic cases.

Approximately one-half of the states use a weighted caseload methodology. There are different approaches to developing weighted caseload formulae. Some formulae have been developed by an expert “Delphi” approach. This approach uses a panel of experts (typically experienced trial judges or others with experience in caseload processing) to estimate the average time required to process different types of cases. The other common approach is to measure actual time spent by all judges or a group of judges over a period of time to process cases or the events that are included in the processing of a case. In some cases, weights are developed using a combination of approaches.

In Michigan, the weighted caseload formula was first developed by the Trial Court Assessment Commission (TCAC), which the Legislature created in 1996. The TCAC conducted a time study for a two month period during 1997 to measure the actual time spent by judges in selected jurisdictions. The results were published in 1998.³ The TCAC contracted with the National Center for State Courts for assistance in developing the weighted caseload formula.⁴

Last year, because of the implementation of the family division and changes in jurisdiction of circuit and district courts since the development of the weighted caseload formula, the Michigan Supreme Court directed the State Court Administrative Office (SCAO) to update the weighted caseload formula through a new study of the time required to process case types.⁵ The SCAO, after making some changes in the time study process based on comments from trial court judges and staff who participated in the TCAC study, conducted a new time study in September and October of 2000. The data collected from the courts participating in the 2000 study were then used to update the weighted caseload formula.

To ensure that short-term, year-to-year variations in new case filings do not unduly affect judicial resource need estimates, caseload data reported by trial courts from the preceding three years (1998, 1999, and 2000) were used for estimating judicial resource needs for this report. This assures that a temporary fluctuation in the caseload for a single year is not given undue weight in the analysis of long term judicial resource needs.

An additional refinement was implemented during the judicial resource analysis this year to account for the demonstrated economy of scale that occurs with the increase in the size of a court. Review of judicial time required to process cases in Michigan courts shows that it typically takes more judicial resources in smaller courts to process cases than in larger courts. This reflects the economies of scale that can often be

³ Michigan Trial Court Assessment Commission: Recommendations, 1998.

⁴ The National Center for State Courts, based in Williamsburg, Virginia, is a non-profit organization dedicated to supporting the nation’s state courts through research and technical assistance.

⁵ Since the original time study, the family division has been more fully implemented in circuit and probate courts, changes were made in the jurisdictional limits of circuit and district civil cases, and some felonies were changed to misdemeanors.

achieved through the availability of a larger pool of judges to assist one another in the processing of cases and the availability of more specialized staff assistance.⁶ To account for variations in the judicial time required for processing cases based on the relative size of courts, the weighted caseload formula was adjusted across courts based on the relative size of the courts. Thus, larger courts were attributed a smaller relative case weight, yielding a need for relatively fewer judicial resources.

As indicated, the estimation of judicial need is a complicated and multi-faceted process. The Trial Court Assessment Commission indicated that before recommendations are made for the increase or reduction of judgeships, an extended analysis should be conducted by the SCAO of other factors affecting workload. In this study, after preliminary identification of courts that show a need for additional judgeships or fewer judgeships using the weighted caseload formula, an extended analysis was conducted of other factors affecting caseload, such as caseload filing trends and other caseload data, demographic factors, and resource factors.

Selection of Courts for Review

Courts that displayed statistically a need for at least one additional judge or an excess of at least one judge using the three year adjusted weighted caseload measure were selected statistically for review. In the case of circuit and probate courts, since circuit and probate courts were combined for analysis, a factor of a need of at least 1.5 additional judges or an excess of 1.5 additional judges was used as the selection criteria for further review, to reflect the combination of circuit and probate caseloads for analysis. Other courts reviewed included those where the trial court requested a review, those where legislation affecting judgeships for the court is pending, or where analyses in prior years suggested further analysis at a later time.

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Extended Analysis

Resource recommendations are made only after an *extended analysis* is conducted.

An extended analysis is undertaken of the selected courts using available quantitative and qualitative information, such as: the makeup of the caseload, caseload trends, prosecutor and law enforcement practices, staffing levels, facilities, technological resources, need for assignments to or from other

⁶ For example, larger courts can employ a pool of law clerks, or perhaps a magistrate and other assistants. Moreover, a larger professional administrative staff will be available to assist with case processing duties that are otherwise handled by a judge.

jurisdictions, demographics and demographic trends, local legal culture, and local judicial philosophy.

Factors considered in the extended analysis include:

- **Case related**
 - Caseload mix (what case types are included in caseload)
 - Docket backlog
 - Prosecutor and law enforcement practices
 - Caseload variations/trends
- **Resources**
 - Staffing levels
 - Assignments into or out of the court
 - Facilities
 - Technological resources
- **Environmental**
 - Demographics, including population trends
 - Local legal culture
 - Judges' philosophy

III. SUMMARY

Because the operation of the family division requires many probate judges to perform judicial service in the circuit court by assignment, the SCAO examined the circuit and probate courts' needs concurrently. Specific recommendations for the circuit or probate bench are made where a permanent change in the number of judges is indicated.

Four district courts and six circuit/probate court combinations were identified through preliminary statistical review for extended analysis. In addition to the courts identified by preliminary statistical review, the SCAO has analyzed needs in eight other courts in which courts or legislators requested a change in judicial resources.

The SCAO recommends the addition of eight judgeships in five courts, and the elimination of three judgeships in two courts at the end of 2002. We also recommend that, in three other courts, a review of judgeship needs be conducted at the time a vacancy first occurs by resignation, retirement or death.

Court	Current Judge-ships	Adjusted Weighted Caseload	Difference () indicates shortage	Recommendation
Courts Identified for Review by Adjusted Weighted Caseload				
18 th District Court Westland	2.00	3.02	(1.02)	No change recommended. Review judgeship needs in two years.
31 st District Court Hamtramck	2.00	.93	1.07	Review when 1 st vacancy occurs for elimination of judgeship.
68 th District Court Flint	6.00	4.12	1.88	Review when 1 st vacancy occurs for elimination of judgeship.
70 th District Court Saginaw County	6.00	4.94	1.06	Review when 1 st vacancy occurs for elimination of judgeship.
3 rd Circuit Court Wayne County Probate	73.00	69.39	3.61	Eliminate 2 circuit judgeships upon vacancies. Review judgeship needs in two years.
6 th Circuit Court Oakland County Probate	21.00	25.53	(4.53)	Add 2 circuit judgeships. Review judgeship needs in two years.
7 th Circuit Court Genesee County Probate	10.00	12.79	(2.79)	Add 1 circuit judgeship. Review judgeship needs in two years.
16 th Circuit Court Macomb County Probate	12.00	15.53	(3.53)	Add 2 circuit judgeships. Review judgeship needs in two years.
17 th Circuit Court Kent County Probate	11.00	15.02	(4.02)	Add 2 circuit judgeships. Review judgeship needs in two years.
20 th Circuit Court Ottawa County Probate	4.00	5.68	(1.68)	No change recommended. Review judgeship needs in two years.
Courts Reviewed Due to Request, Pending Legislation, or Prior Review				
30 th District Court Highland Park	2.00	1.33	.67	Eliminate 1 judgeship upon vacancy.
35 th District Court Plymouth	2.00	2.62	(.62)	No change recommended. Review judgeship needs in two years.
45A District Court Berkley	1.00	.63	.37	No change recommended.
45B District Court Oak Park	2.00	1.99	.01	No change recommended.
47 th District Court Farmington Hills	2.00	2.27	(.27)	No change recommended.

Court	Current Judge-ships	Adjusted Weighted Caseload	Difference () indicates shortage	Recommendation
50 th District Court Pontiac	4.00	3.49	.51	No change recommended.
63 rd District Court Kent County	2.00	3.19	(1.19)	No change recommended. Review judgeship needs in two years.
21 st Circuit Court Isabella County Probate	2.00	2.59	(.59)	Add 1 circuit judgeship.
TOTAL	164.00	175.06	11.06	Add 8 judgeships. Eliminate 3 judgeships . Review 3 judgeships for elimination upon vacancy.

COURTS IDENTIFIED FOR REVIEW BY ADJUSTED WEIGHTED CASELOAD

18th District Court - City of Westland, Wayne County

We do not recommend the addition of a judgeship to the 18th District Court given the judges' demonstrated ability to address the caseload effectively. Although an additional district judge is statistically indicated in the 18th District Court, the judges of the court are confident that at present they can adequately serve the judicial needs of the jurisdiction without adding a third judgeship.

Between 1990 and 2000, the population of Westland increased by 2%, from 84,724 to 86,602.

The two judges of the court, with the assistance of a magistrate, a well-managed staff, and limited assistance from other district court judges in Wayne County, have effectively managed the caseload. They appear to be doing so on a timetable which compares very favorably with other district courts.

The newly renovated district court facility has two judicial courtrooms and one magistrate hearing room. An additional courtroom would be required to accommodate a new judgeship.

The State Court Administrative Office (SCAO) will continue to monitor the status of the caseload to ensure the court's continued ability to deliver effective judicial services to the community, and will ensure that assignments of judges from other jurisdictions are made as needed.

31st District Court - City of Hamtramck, Wayne County

We recommend that the 31st District Court be reviewed for the elimination of a judgeship when the first vacancy is created by retirement, resignation, removal or death.

Between 1990 and 2000, the population of Hamtramck increased by 25%, from 18,372 to 22,976.

The 31st District Court currently has two judges and no magistrates. The workload data reflects that the district requires only one judgeship. Once the city's financial difficulties have been resolved and the police department resumes writing traffic citations, the court can function effectively with one judge, with the possible need for magistrate assistance depending upon the level of police activity. The caseload for this court does not support the need for two judges.

68th District Court - Flint, Genesee County

We recommend that the 68th District Court be reviewed for the elimination of a judgeship when the first vacancy is created by retirement, resignation, removal or death.

The 68th District Court, located in Flint, is currently served by six judges and two attorney magistrates. Statistical analysis suggests the court could manage its docket with fewer judgeships under normal conditions. This court and community are in transition due to the city's loss of population and economic base. The court currently faces major budget reductions for the current and future fiscal years. The court is now understaffed due to these reductions.

Between 1990 and 2000, the population of Flint decreased by 11%, from 140,761 to 124,943.

The 68th District Court judges should assist with the docket of the 7th Circuit Court. The SCAO will continue to work with the chief judges of these courts on systems for reallocating workload.

70th District Court - Saginaw County

We recommend that the 70th District Court be reviewed for the elimination of a judgeship when the first vacancy is created by retirement, resignation, removal or death.

The 70th District Court in Saginaw is a countywide district court. It has six judges elected in two election divisions: one division consists of the cities of Saginaw and Zilwaukee and the townships of Zilwaukee, Buena Vista, Carrollton, and Bridgeport, while the other division serves the remainder of the county. The three judges elected from each division work together in one court. Saginaw County is located in one of the most populous areas of the state. The district judges do all the judicial work of the court (including

matters which are handled by magistrates in some courts: arrest warrants, search warrants, and arraignments), except for minor traffic offenses, which are handled by a magistrate.

Statistical analysis suggests the court could manage its docket with fewer judgeships under normal conditions. However, preliminary data indicates that new filings in judge intensive case type areas have increased in 2001. If the trend continues the 70th District Court may need all of its current judgeships.

Between 1990 and 2000, the population of Saginaw decreased by 0.9%, from 211,946 to 210,039.

The 70th District Court judges should assist with the docket of the 10th Circuit Court. The SCAO will work with the chief judges of the 70th District Court and the 10th Circuit Court to develop a plan to redistribute workload.

3rd Circuit Court - Wayne County

Probate Court - Wayne County

We recommend two judgeships in the 3rd Circuit Court be eliminated upon vacancies created by retirement, resignation, removal or death. Two vacancies in the 3rd Circuit Court will occur in 2003 and three vacancies will occur in 2005 by mandatory retirement of incumbent judges.

Wayne County is served by 64 circuit court judges and nine probate judges, for a total of 73 judges. Three of the probate judges are assigned to assist with the family division, which results in the circuit court having the equivalent of 67 judgeships to meet its needs and the probate court having 6 judgeships to meet its needs. Statistical analysis suggests that the circuit and probate dockets could be handled by 69 judges.

It should be noted that the weighted caseload model being used to predict need assumes greater economies of scale for larger caseloads. If those economies do not exist or are compromised by resource constraints or other factors, the judicial resource needs are greater. We believe that lack of centralized facilities, relatively low staff-to-caseload ratios and the dedication of a number of judges to complex litigation compromises the economy of scale in the 3rd Circuit.

The 3rd Circuit Court has a lower overall staff ratio than other large circuit courts, and fewer direct support staff. For example, the 3rd Circuit staff ratio is 16.1 per judge, compared to an average of 29.3 for the five largest circuits. The caseload to staff ratio in the 3rd Circuit is 96.3 cases per FTE, compared to an average of 73 cases per FTE for the five largest circuits.⁷

⁷Source: *2000 Employee Compensation Survey*.

The 3rd Circuit handles pretrial activities for certain mass tort litigation that is filed in other courts, such as gel implant, asbestos litigation and Microsoft anti-trust litigation.

Between 1990 and 2000, the Wayne County population decreased by 2.4%, from 2,111,687 to 2,061,162.

6th Circuit Court - Oakland County

Probate Court - Oakland County

We recommend the addition of two judgeships to the 6th Circuit Court. Further, the court's workload should be reviewed for judicial resource needs in two years. At least one of the new judgeships should be assigned to the family division to permit the appropriate allocation of resources to both the family division and the probate court dockets.

Between 1990 and 2000, the population of Oakland County increased by 10%, from 1,083,592 to 1,194,156.

Oakland County is served by 17 circuit court judges and 4 probate judges, for a total of 21 judges. All the probate judges are assigned to assist with the family division, with the equivalent of two and one-half probate judges serving full-time in the family division. All the judges of the family division (four circuit and two and one-half probate) handle some probate matters. A portion of the probate caseload is managed by the circuit court in the family division. The need for the new judgeships arises in the circuit court.

Statistical analysis indicates that the combined circuit and probate courts need 25 judges. Currently, the court facilities are sufficient for the addition of two new judges. In Oakland County, each circuit judge is provided with a secretary, a staff attorney, and two clerks to assist with courtroom functions. In non-video courtrooms, the judge also has an assigned court reporter. Due to the limited facilities and the organizational difficulties in absorbing new judgeships, only two judgeships should be added now. The court should be reviewed for additional judicial resource needs in two years.

7th Circuit Court - Genesee County

Probate Court - Genesee County

We recommend the addition of one judgeship in the 7th Circuit Court. The SCAO will work with the 7th Circuit and 68th District Courts to facilitate the 68th District Court assisting the 7th Circuit Court.

Seven circuit judges and three probate judges serve Genesee County. Two of the three probate judges are assigned full-time to the circuit court family division, which results in the circuit court effectively having

nine judgeships and the probate court having one judgeship to meet their needs. The current statistical analysis suggests that the combined courts need 13 judgeships.

Between 1990 and 2000, the population of Genesee County increased 1%, from 430,459 to 436,141.

Currently, the 7th Circuit Court has developed a joint program with the 67th and 68th District Courts to manage a portion of the circuit court's civil docket. In addition, the 7th Circuit Court regularly retains visiting judges when the budget allows and available courtroom space can be located. Both measures have helped relieve strain on the court.

The circuit and probate courts have a courthouse renovation and addition in progress. When this new facility is completed, overall case processing should be improved with modern courtrooms and support space. The new facility will have one additional finished courtroom and unfinished space that could be expanded into a second courtroom in the future.

Given the availability of additional judicial resources within the county, the limited availability of facilities and the organizational difficulties in absorbing new judgeships, we recommend the addition of only one circuit judgeship now. The court should be reviewed in two years to determine if additional judgeships are needed.

16th Circuit Court - Macomb County

Probate Court - Macomb County

We recommend the addition of two judgeships in the 16th Circuit Court. One of the probate judges currently assigned to the family division may then be re-assigned to the probate court docket. Further, the court should be reviewed for additional judicial resource needs in two years.

Macomb County is served by nine circuit and three probate judges. Two of the three probate judges are assigned full-time to the circuit court family division, which results in the circuit court having the equivalent of 11 judgeships and the probate court having only one judgeship to manage the respective dockets. Statistical analysis suggests that the combined courts need 15 judgeships. The probate court could utilize 3 judgeships and the circuit court could utilize 12 judgeships.

Between 1990 and 2000, the population of Macomb County increased by 10%, from 717,400 to 788,149.

The current circuit court facility could absorb three new judges, as the court is in the process of adding three new courtrooms through renovation and remodeling. The current probate court facility is separate from the circuit court and can house only two probate judges.

Each circuit judge is provided with a secretary, court reporter, and court clerk, as well as an assigned court officer from the sheriff's department. Thus, the addition of two new judges would have a financial impact with the addition of six new court staff members and, possibly, staff for the sheriff's department.

Due to the organizational difficulties in absorbing new judgeships, we recommend only two new judgeships now.

17th Circuit Court - Kent County

Probate Court - Kent County

The State Court Administrative Office (SCAO) recommends two new judgeships for the 17th Circuit Court. Further, the court should be reviewed for judicial resource needs in two years.

Currently, Kent County has 7 circuit and 4 probate judges for a total of 11 judges. Statistical measures indicate the need for up to 15 circuit/probate judgeships. The probate court could ideally utilize two judgeships and the circuit court could ideally utilize thirteen judgeships.

Population has been increasing rapidly. It is projected to continue to increase. Between 1990 and 2000, the population of Kent County increased by 15%, from 500,631 to 574,335. By 2020, the population of the county is expected to exceed 667,000.

The court has effectively managed its large caseload by thoughtful utilization of staff and facilities, as well as improved automation. Space has been planned for one additional judge in the new downtown courthouse, with flexibility to accommodate two.

Due to the organizational difficulties in absorbing new judgeships, we recommend only two new judgeships now.

20th Circuit Court - Ottawa County

Probate Court - Ottawa County

The State Court Administrative Office (SCAO) recommends no change in the number of judgeships in Ottawa County given the judges' demonstrated ability to address caseload effectively. Ottawa County has three circuit judges and one probate judge. Statistical analysis indicates that Ottawa County could ideally utilize between five and six circuit/probate judgeships. However, the three circuit judges and one probate judge have processed their cases effectively with the support of their staff. Their timetable compares favorably to other circuit and probate courts. The courts are confident that at the present time they can adequately serve the judicial needs of the jurisdiction without adding a judgeship.

Between 1990 and 2000, the population of Ottawa County increased by 27%, from 187,768 to 238,314. The population is expected to increase to 315,600 by 2020.

Due to the expected continued growth of the caseload and population of Ottawa County, SCAO will closely monitor the caseload in Ottawa County and will review the needs of the circuit and probate courts in two years.

COURTS REVIEWED DUE TO REQUEST, PENDING LEGISLATION, OR PRIOR REVIEW

30th District Court - City of Highland Park, Wayne County

We recommend the elimination of one judgeship in the 30th District Court effective January 1, 2003, upon the vacancy created by the mandatory retirement of one of the incumbent judges.

Between 1990 and 2000, the population of Highland Park decreased by 17%, from 20,121 to 16,746.

The 30th District Court is currently served by two judges and one part-time magistrate. With the resolution of the city's financial difficulties and the anticipated increase in citations with a fully functioning police department, the court can still function very effectively with one judge and one magistrate. The judge-specific caseload for this court does not support the need for two full-time judges.

35th District Court - Cities of Northville and Plymouth and Townships of Canton, Northville, and Plymouth, Oakland County

We do not recommend the addition of a judgeship in the 35th District Court. The population is projected to continue to grow, and we anticipate, therefore, that the caseload will continue to grow. We project that this court will need additional judicial resources in the near future. The State Court Administrative Office (SCAO) will continue to monitor the status of the caseload to ensure the court's continued ability to deliver effective judicial services to the community.

The 35th District Court is served by two judges and one part-time magistrate. An analysis of the available statistical information suggests that the court's workload could use more than two judges, but fewer than three. However, the court is well managed, has historically met the guidelines established for caseflow management and has decreased its use of visiting judges during the current year.

Population growth has been unusually high in comparison to the rest of southeast Michigan. Between 1990 and 2000, the population of the communities served by the 35th District Court increased by 24%, from 113,787 to 140,681, while the population in Wayne County decreased by about 2.3%. The 35th District Court, which covers 73.7 square miles across Wayne and Oakland counties, consists of five local funding units: the cities of Northville and Plymouth and the townships of Plymouth, Canton, and Northville. Fourteen thousand, two hundred twenty-two (14,222) housing permits were issued over the past ten years within the townships. In Canton Township, the population increased so quickly that officials there conducted a mid-decade census to better plan for the future. Increase in the non-English speaking population has necessitated the use of interpreters, increasing the length of proceedings. Continued population growth is expected in the 35th District Court.

45A District Court - City of Berkley, Oakland County

We recommend no change in the number of judgeships in the 45A District Court. The 45A District Court is a one-judge third class district court serving the city of Berkley. An analysis of the judicial workload suggests that the court needs slightly less than one full-time judgeship.

Between 1990 and 2000, the population of the city of Berkley decreased by 8%, from 16,960 to 15,531.

45B District Court - City of Oak Park, Oakland County

We recommend no change in the number of judgeships in the 45B District Court. The 45B District Court is a third class district court located in the city of Oak Park and serving the communities of Oak Park, Huntington Woods, Pleasant Ridge, and Royal Oak Township. It is currently served by two full-time judges and the equivalent of two magistrates. Statistical measures indicate the need for two full-time judgeships in this court.

Between 1990 and 2000, the population of the communities served by the court decreased by 3%, from 39,656 to 38,538.

47th District Court - Cities of Farmington and Farmington Hills, Oakland County

We recommend no change in the number of judgeships in the 47th District Court. The 47th District Court currently operates with two judges and a three-quarter FTE magistrate position. Statistical measures indicate the need for between two and two and one quarter judgeships. The court's caseload, which increased in 1999, has dropped in 2000.

Between 1990 and 2000, the population of the communities served by the court increased by 9%, from 84,784 to 92,534.

50th District Court - City of Pontiac, Oakland County

We recommend no change in the number of judgeships in the 50th District Court. The 50th District Court is a third class district court serving the city of Pontiac with four judges. An analysis of judicial resource needs indicates that the court could function with less than four judgeships, but that it needs more than three. No magistrates serve the court at the present time. The court does not anticipate having local resources available in the near future to add a magistrate.

Between 1990 and 2000, the population of Pontiac decreased by 7%, from 71,166 to 66,337.

63rd District Court - Kent County

We recommend no change in the level of judgeships in the 63rd District Court.

The 63rd District Court currently has two judgeships. Statistical measures indicate the need for three judgeships in the Court. However, the judges of the 63rd District Court are confident that they can adequately serve the needs of this jurisdiction without adding a third judgeship. The judges have demonstrated their ability to handle the docket and have consistently met case flow management guidelines.

Between 1990 and 2000, the population of the jurisdictions served by the 63rd District Court increased by 27%, from 176,885 to 223,807.

Nonetheless, the overall caseload has fallen by 13% in recent years. Given the rapid growth in population in the district, the SCAO will closely monitor the caseload and review judicial resource needs.

Given the judges' demonstrated ability to address the caseload effectively, we do not recommend a new judgeship. The judges of the 63rd District Court agree.

21st Circuit Court - Isabella County

Probate Court - Isabella County

We recommend that one new judgeship be added to the 21st Circuit Court.

Currently Isabella County has one circuit judge, one probate judge and one district judge for a total of three judgeships. The circuit, probate, and district courts operate in combination as the Isabella County Trial

Court. Statistical analysis indicates that the combined circuit and probate bench needs 2.59 judges when considering average caseload over the last three years. However, caseload increased in 2000 resulting in an estimated need for 2.92 circuit/probate judges. When the entire docket of the three courts (circuit, probate and district) is considered, the three year estimated judicial need is 3.81 while the estimated need for the most recent year is 4.25 judgeships.

Between 1990 and 2000, the population of Isabella County increased by 16%, from 54,624 to 63,351. The population is growing at a greater rate than had been predicted. The rapid growth is largely related to the addition of the gaming industry of the Saginaw Chippewa Indian Tribe located in the county. This enterprise brings an average of over 30,000 people a day into the county. The influx of people coming into the county has increased the traffic and criminal caseload of the court. Local officials believe that the rapid growth has contributed to increased drug use and trafficking. With its central location, a rapidly growing state university, growing business opportunities, and the expanding gaming enterprise of the Saginaw Chippewa Indian Tribe, continued above average growth appears likely. The court caseload has grown along with the community's growth.

The Isabella County Trial Court has made the most effective use of resources by its administrative organization and its division of judicial workload. Notwithstanding these measures, the caseload is out-pacing the available judicial resources and is expected to continue growing.

IV. LEGISLATIVE PROCESS

Timetable

The creation of a new trial court judgeship is a two-step process requiring statutory authorization by the State Legislature and approval by the local governments that fund the court. Under the present statutory deadlines⁸ for changes in the number of judgeships recommended to take effect January 1, 2003, local resolutions of approval must be filed by 4:00 p.m. on April 16, 2002. Significant dates concerning new judgeships commencing January 1, 2003 are as follows:

Incumbency filing deadline.....	5:00 p.m, March 25, 2002
Local resolution deadline for 2003 new circuit/district judgeships.....	4:00 p.m, April 16, 2002
Non incumbent filing deadline.....	4:00 p.m, April 30, 2002
Primary election.....	August 6, 2002
General election.....	November 5, 2002
Judge takes office.....	January 1, 2003

⁸ All deadlines are set by statute and are subject to adjustment by the Legislature.

Local Authorization

A local resolution that is filed before a new judgeship is approved in statute is valid as long as the resolution was filed with the State Court Administrator within the two-year legislative session in which the act authorizing the new judgeship was enacted. For this cycle, that means that resolutions passed before January 1, 2001, approving judgeships not yet authorized by statute are invalid; the local funding unit must pass a new resolution of approval. A resolution filed after the act authorizing the judgeship takes effect need not be filed within the same session as the act authorizing the judgeship, provided it is filed by the statutory deadline (approximately eight months before the judgeship is to take effect). See MCL 600.550; MSA 27A.550 (Circuit Courts), MCL 600.805; MSA 27A.805 (Probate Courts), MCL 600.8175; MSA 27A.8175 (District Courts).

Filing Deadlines

Non-incumbent candidates for trial court judgeships or the Court of Appeals must file nominating petitions with the Secretary of State by 4:00 p.m. of the fourteenth Tuesday preceding the primary election (April 30, 2002). Incumbents must file their affidavits of incumbency on or before 134 days before the primary (March 25, 2002). See MCL 168.413, MCL 168.413a (Circuit Courts); MCL 168.433, MCL 168.433a (Probate Courts); MCL 168.467b, MCL 168.467c (District Courts); and MCL 168.409b (Court of Appeals).

V. COST OF ADDING A JUDGESHIP

Trial Court Judgeship Cost

The current method of trial court funding in Michigan requires counties and local municipalities to appropriate the significant share of the cost of trial court operations. The state pays the cost of judges' salaries.

State Cost

The state portion of the cost of new judgeships includes state pay ranging from \$88,642 for District Judges to \$90,242 for Circuit and Probate judges.⁹ In addition, the state provides reimbursement (standardization) payments to funding units in the amount of \$45,724 to offset the cost of judges' local pay. The state is responsible for the employer's share of FICA taxes (OASDI and Medicare), and contributions for

⁹ Rates based upon the 2000 State Officer's Compensation Commission Report which became effective January 1, 2001. Rates for 2002 are presented in the 2002 chart and are effective January 1, 2002.

retirement.¹⁰ Average state travel costs per judge are approximately \$600. Finally, there is a one-time cost of approximately \$6,000 for each new district court judgeship for the purchase of court recording equipment.

Accordingly, the total annual state costs for trial court judgeships are as follows:

2001 Annual State Costs

Court Type	Salary	Reimbursement (Standardization) Payment	FICA ¹¹	Defined Contribution Retirement	Total
Circuit	\$90,242.00	\$45,724.00	\$6,956.31	\$9,517.62	\$152,439.93
District	88,642.00	45,724.00	6,933.11	9,405.62	150,704.73 ¹²
Probate	90,242.00	45,724.00	6,956.31	9,517.62	152,439.93

2002 Annual State Costs

Court Type	Salary	Reimbursement (Standardization) Payment	FICA	Defined Contribution Retirement	Total
Circuit	\$94,195.00	\$45,724.00	\$7,512.11	\$9,794.33	\$157,225.44
District	92,548.00	45,724.00	7,488.22	9,679.04	155,439.26
Probate	94,195.00	45,724.00	7,512.11	9,794.33	157,225.44

¹⁰ New judges are enrolled in the defined contribution plan. This estimate assumes the highest state contribution rate.

¹¹ For 2001 (OASDI 6.2% limit of \$80,400). For 2002 there is a 10% projected increase for a new limit of \$88,440.

¹² Annual cost for a district court judgeship **after** the first year in office. There is also a one-time payment for each new district judgeship to purchase recording equipment.

Local Costs

Significant local costs are associated with the addition of a judgeship. Local costs for the addition of a trial court judgeship are higher than the state costs, both in terms of “one-time” costs and ongoing, annual costs. It is difficult to provide a set cost per judge. Because personnel costs are a significant portion of trial court operational costs, variation in salary rates statewide result in substantial differences in annual support costs from location to location.

ADJUSTED WEIGHTED CASELOAD

ALL COURTS

Estimated Judicial Need for District Courts

	County	Court	ID	Current Judges	3 Year Adjusted Weighted Caseload
	Monroe	Monroe	D01	3.00	3.41
	Lenawee	Lenawee	D02A	2.00	2.31
	Hillsdale	Hillsdale	D02B	1.00	0.96
	Branch	Branch	D03A	1.00	1.10
	St. Joseph	St. Joseph	D03B	2.00	1.29
	Cass	Cass	D04	1.00	1.05
	Berrien	Berrien	D05	5.00	4.91
	Van Buren	Van Buren	D07	2.00	2.40
	Kalamazoo	Kalamazoo	D08	7.00	6.21 *
	Calhoun	Calhoun	D10	4.00	4.67
	Jackson	Jackson	D12	4.00	4.18
	Washtenaw	Washtenaw Co	D14A	3.00	2.70
	Washtenaw	Ypsilanti Twp	D14B	1.00	1.42
	Washtenaw	City of Ann Arbor	D15	3.00	2.55
	Wayne	Livonia	D16	2.00	2.02
	Wayne	Redford Twp	D17	2.00	1.65
1	Wayne	Westland	D18	2.00	3.02
	Wayne	Dearborn	D19	3.00	3.06
	Wayne	Dearborn Heights	D20	2.00	1.75
	Wayne	Garden City	D21	1.00	0.97
	Wayne	Inkster	D22	1.00	1.85
	Wayne	Taylor	D23	2.00	2.74
	Wayne	Allen Park/Melvindale	D24	2.00	1.77
	Wayne	Lincoln Park	D25	2.00	1.81
	Wayne	River Rouge/Ecorse	D26	2.00	1.80 *
	Wayne	Wyandotte/Riverview	D27	2.00	1.41 *
	Wayne	Southgate	D28	1.00	1.17
	Wayne	Wayne (City)	D29	1.00	1.05
2	Wayne	Highland Park	D30	2.00	1.33
1	Wayne	Hamtramck	D31	2.00	0.93
	Wayne	Harper Woods	D32A	1.00	0.92
	Wayne	Woodhaven, et al	D33	3.00	2.52
	Wayne	Romulus, et al	D34	3.00	3.51
2	Wayne	Plymouth, et al	D35	2.00	2.62
	Wayne	Detroit	D36	31.00	31.46
	Macomb	Center Line/Warren	D37	4.00	3.67
	Macomb	Fraser/Roseville	D39	3.00	2.92
	Macomb	St. Clair Shores	D40	2.00	1.51
	Macomb	Shelby Twp/Sterling Hts.	D41A	4.00	4.39
	Macomb	Mt. Clemens/Clinton	D41B	3.00	3.70
	Macomb	Macomb-Memphis, et al	D42-1	1.00	1.07
	Macomb	Macomb-New Baltimore	D42-2	1.00	1.73
	Oakland	Ferndale/Hazel Pk/Madison	D43	3.00	2.69
	Oakland	Royal Oak	D44	2.00	1.76
2	Oakland	Berkley	D45A	1.00	0.63
2	Oakland	Oak Park	D45B	2.00	1.99
	Oakland	Southfield	D46	3.00	3.10

Estimated Judicial Need for District Courts

	County	Court	ID	Current Judges	3 Year Adjusted Weighted Caseload
2	Oakland	Farmington/Farming. Hills	D47	2.00	2.27
	Oakland	Bloomfield Hills	D48	3.00	2.57
2	Oakland	Pontiac	D50	4.00	3.49
	Oakland	Waterford Twp	D51	2.00	1.98
	Oakland	Oakland-Nov	D52-1	3.00	3.72
	Oakland	Oakland-Clarkson	D52-2	1.00	1.45
	Oakland	Oakland-Rochester	D52-3	3.00	3.15
	Oakland	Oakland-Troy & Clawson	D52-4	3.00	2.29
	Livingston	Livingston	D53	3.00	2.23
	Ingham	Lansing	D54A	5.00	4.14
	Ingham	East Lansing	D54B	2.00	2.08
	Ingham	Ingham Co	D55	2.00	2.48
	Eaton	Eaton	D56A	2.00	1.78
	Barry	Barry	D56B	1.00	0.98
	Allegan	Allegan	D57	2.00	2.46
	Ottawa	Ottawa	D58	4.00	3.98
	Kent	Grandville/Walker	D59	1.00	0.98
	Muskegon	Muskegon	D60	4.00	4.40
	Kent	Grand Rapids	D61	6.00	5.84
	Kent	Wyoming	D62A	2.00	1.96
	Kent	Kentwood	D62B	1.00	1.25
2	Kent	Kent Co	D63	2.00	3.19 *
	Ionia	Ionia	D64A	1.00	1.02
	Montcalm	Montcalm	D64B	1.00	1.07
	Clinton	Clinton	D65A	1.00	0.92
	Gratiot	Gratiot	D65B	1.00	0.83
	Shiawassee	Shiawassee	D66	2.00	1.65
	Genesee	Genesee Co	D67	6.00	5.87
1	Genesee	Flint	D68	6.00	4.12
1	Saginaw	Saginaw	D70	6.00	4.94 *
	Lapeer	Lapeer	D71A	2.00	1.99
	Tuscola	Tuscola	D71B	1.00	0.95
	St. Clair	St. Clair	D72	3.00	3.36
	Sanilac	Sanilac	D73A	1.00	0.98
	Huron	Huron	D73B	1.00	0.81
	Bay	Bay	D74	3.00	2.46
	Midland	Midland	D75	2.00	1.69
	Isabella	Isabella	D76	1.00	1.22
	Mecosta	Mecosta	D77-1	1.00	0.90
	Osceola	Osceola	D77-2	0.00	0.66
	Lake	Lake	D78-1	0.00	0.60
	Newaygo	Newaygo	D78-2	1.00	0.84
	Mason	Mason	D79-1	0.50	0.70
	Oceana	Oceana	D79-2	0.50	0.67
	Clare	Clare	D80-1	0.55	0.72
	Gladwin	Gladwin	D80-2	0.45	0.78
	Iosco	Iosco	D81-1	0.50	0.79
	Arenac	Arenac	D81-2	0.50	0.65

Estimated Judicial Need for District Courts

County	Court	ID	Current Judges	3 Year Adjusted Weighted Caseload
Alcona	Alcona	D82-1	0.19	0.45
Ogemaw	Ogemaw	D82-2	0.64	0.74
Oscoda	Oscoda	D82-3	0.17	0.50
Crawford	Crawford	D83-1	0.58	0.63
Roscommon	Roscommon	D83-2	0.42	0.85
Wexford	Wexford	D84-1	0.78	0.84
Missaukee	Missaukee	D84-2	0.22	0.53
Benzie	Benzie	D85-1	0.40	0.51
Manistee	Manistee	D85-2	0.60	0.68
Grand Traverse	Grand Traverse	D86-1	1.80	1.99
Leelanau	Leelanau	D86-2	0.20	0.50
Antrim	Antrim	D86-3	0.48	0.66
Kalkaska	Kalkaska	D87-2	0.72	0.72
Otsego	Otsego	D87-3	0.80	0.79
Alpena	Alpena	D88-1	0.94	0.76
Montmorency	Montmorency	D88-2	0.06	0.51
Cheboygan	Cheboygan	D89-1	0.80	0.75
Presque Isle	Presque Isle	D89-2	0.20	0.49
Charlevoix	Charlevoix	D90-1	0.40	0.62
Emmet	Emmet	D90-2	0.60	0.77
Chippewa	Chippewa	D91	1.00	0.87
Luce	Luce	D92-1	0.42	0.45
Mackinac	Mackinac	D92-2	0.58	0.64
Alger	Alger	D93-1	0.33	0.47
Schoolcraft	Schoolcraft	D93-2	0.67	0.44
Delta	Delta	D94	1.00	0.81
Menominee	Menominee	D95A	1.00	0.62
Dickinson	Dickinson	D95B-1	0.59	0.70
Iron	Iron	D95B-2	0.41	0.50
Marquette	Marquette	D96	2.00	1.54
Baraga	Baraga	D97-1	0.25	0.45
Houghton	Houghton	D97-2	0.75	0.59
Keweenaw	Keweenaw	D97-3	0.00	0.35
Gogebic	Gogebic	D98-1	0.72	0.60
Ontonagon	Ontonagon	D98-2	0.28	0.44

1: Selected statistically

2: Review requested

* Total of need for election divisions

Estimated Judicial Need for Combined Circuit and Probate Courts

	County	Court	Current Judges	3 Year Adjusted Weighted Caseload
	Hillsdale	C-01	2.00	1.92
	Berrien	C-02	6.00	5.08
1	Wayne	C-03	73.00	69.39
	Jackson	C-04	5.00	4.81
	Barry	C-05	2.00	2.11
1	Oakland	C-06	21.00	25.53
1	Genesee	C-07	10.00	12.79
	Montcalm	C-08	2.00	2.48
	Ionia	C-08	2.00	2.20
	C-08 Total		4.00	4.68
	Kalamazoo	C-09	8.00	7.40
	Saginaw	C-10	7.00	6.53
	Luce	C-11	0.33	0.39
	Alger	C-11	0.33	0.55
	Schoolcraft	C-11	1.33	0.48
	C-11 Total		2.00	1.42
	Baraga	C-12	0.61	0.47
	Houghton	C-12	1.63	1.26
	Keweenaw	C-12	0.50	0.13
	C-12 Total		2.74	1.86
	Leelanau	C-13	1.32	0.92
	Antrim	C-13	1.36	1.18
	Grand Traverse	C-13	2.32	2.41
	C-13 Total		5.00	4.51
	Muskegon	C-14	6.00	6.01
	Branch	C-15	2.00	2.34
1	Macomb	C-16	12.00	15.56
1	Kent	C-17	11.00	15.02
	Bay	C-18	4.00	2.89
	Manistee	C-19	1.67	1.29
	Benzie	C-19	0.70	0.71
	C-19 Total		2.37	2.00
1	Ottawa	C-20	4.00	5.68
2	Isabella	C-21	2.00	2.59
	Washtenaw	C-22	7.00	7.80
	Iosco	C-23	1.75	1.54
	Oscoda	C-23	0.62	0.49
	C-23 Total		2.37	2.03
	Sanilac	C-24	2.00	1.75
	Marquette	C-25	3.00	1.67
	Presque Isle	C-26	0.71	0.68
	Montmorency	C-26	0.71	0.60
	Alpena	C-26	1.98	1.52
	Alcona	C-26	0.71	0.58
	C-26 Total		4.11	3.38
	Oceana	C-27	1.84	1.11
	Newaygo	C-27	2.16	1.94
	C-27 Total		4.00	3.05

Estimated Judicial Need for Combined Circuit and Probate Courts

County	Court	Current Judges	3 Year Adjusted Weighted Caseload
Missaukee	C-28	0.61	0.77
Wexford	C-28	1.76	1.78
C-28 Total		2.37	2.55
Clinton	C-29	3.00	1.98
Gratiot	C-29	1.00	1.61
C-29 Total		4.00	3.59
Ingham	C-30	9.00	8.77
St. Clair	C-31	5.00	5.02
Gogebic	C-32	1.73	1.31
Ontonagon	C-32	0.64	0.40
C-32 Total		2.37	1.71
Charlevoix	C-33	1.54	1.30
Arenac	C-34	0.95	0.90
Ogemaw	C-34	1.86	1.37
Roscommon	C-34	1.56	1.52
C-34 Total		4.37	3.79
Shiawassee	C-35	2.00	2.05
Van Buren	C-36	3.00	2.60
Calhoun	C-37	6.00	5.43
Monroe	C-38	5.00	4.05
Lenawee	C-39	3.00	2.76
Lapeer	C-40	3.00	2.30
Iron	C-41	0.83	0.69
Menominee	C-41	1.82	1.04
Dickinson	C-41	1.72	1.41
C-41 Total		4.37	3.14
Midland	C-42	3.00	2.26
Cass	C-43	2.00	2.68
Livingston	C-44	3.00	3.39
St. Joseph	C-45	2.00	3.29
Otsego	C-46	1.88	1.26
Crawford	C-46	0.93	0.94
Kalkaska	C-46	0.93	0.99
C-46 Total		3.74	3.19
Delta	C-47	2.00	1.82
Allegan	C-48	3.00	2.60
Osceola	C-49	0.00	1.34
Mecosta	C-49	2.00	1.63
C-49 Total		2.00	2.97
Mackinac	C-50	1.47	0.75
Chippewa	C-50	1.53	1.67
C-50 Total		3.00	2.42
Mason	C-51	1.81	1.44
Lake	C-51	0.56	0.79
C-51 Total		2.37	2.23

Estimated Judicial Need for Combined Circuit and Probate Courts

County	Court	Current Judges	3 Year Adjusted Weighted Caseload
Huron	C-52	2.00	1.06
Cheboygan	C-53	2.00	1.53
Tuscola	C-54	2.00	2.09
Clare	C-55	1.10	1.61
Gladwin	C-55	0.90	1.27
C-55 Total		2.00	2.88
Eaton	C-56	3.00	2.42
Emmet	C-57	1.46	1.47

1: Selected statistically

2: Review requested